

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|---------------------------|---|------------------------|
| Applicants: | Surendra N. Naidoo et al. | § |                        |
| Serial No.: | 09/954,976                | § | Group Art Unit: 2621   |
| Filed:      | September 18, 2001        | § | Examiner: Vo, Tung T.  |
| For:        | VIDEO SECURITY SYSTEM     | § | Confirmation No.: 8803 |
|             |                           | § |                        |

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November 14 2006

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**REASONS FOR REQUESTING PRE-APPEAL BRIEF REVIEW**

Applicants have requested a *Pre-Appeal Brief Review* of this application. The reason for requesting this *Review* is that that the Examiner has failed to establish a *prima facie* case of unpatentability of Claims 1, 3-24, 26-31 and 47-56 of this application.

Independent Claim 1 is directed to a security system which includes a security gateway located at a premises being monitored and a security system server coupled to the security gateway by first and second networks. Two separate types of alerts, the first one being termed as a "notification of an alarm condition" and the second one being termed as an "alarm video", are transferred from the security gateway to the security system server over the first network in substantially real time. The first one of the two types of alerts, specifically, the notification of an alarm condition, is also transferred from the security gateway to the security system server over the second network substantially simultaneously with the transfer of the alert over the first network.

Of the claims pending before the Examiner, Claims 1 and 3-19 stand rejected under 35 U.S.C. § 102(e) as anticipated by Lemons et al. However, the record clearly indicates that the Examiner has failed to establish that Lemons et al. teaches each and every element of Claims 1 and 3-19. Claim 1 specifically recites that the security system includes first and second networks for substantially simultaneously transmitting the same information—notification of an alarm condition—between a security gateway and a security server. However, neither a review of the reference nor the Examiner's characterization thereof is supportive of the assertion that the foregoing element is taught by Lemons et al.

The Examiner has cited Lemons et al. as disclosing networks 36 and 50 for transferring information between a security gateway (12, 14) and a security system server 38. As to the functionality of the network 36, the Examiner stated that “the security gateway is configured to notify the security system server of the alarm condition and to transfer the alarm video to the security system server in substantially real time through the first network (col. 7, lines 25-28).” As to the functionality of the network 50, the Examiner stated that “the security gateway is configured to notify the security system server (38 of fig. 1) of the alarm condition through the second network (col. 4, line 66-col. 5, line 30).” While neither admitting nor denying the accuracy of the foregoing statements, for purposes of this document, the Applicants see no reason to dispute their accuracy.

However, the Examiner further stated that “the security gateway (12 of fig. 1) is further configured to notify the security system server (38 of fig. 1) of the alarm condition through the first network (26 of fig. 1) substantially simultaneously with notify [sic] the security system server (38 of fig. 1) of the alarm condition through the second network (50 of fig. 1).”

Examiner's Action dated December 15, 2005, page 3, lines 14-17. The Applicants respectfully

disagree with the Examiner's characterization and instead submit that nowhere does Lemons et al. contain such a teaching, specifically, a teaching that the security gateway 12 simultaneously transmits a notification of an alarm condition to the security system server 38 over two discrete paths—the first being the first network and the second being the second network.

It is acknowledged that Lemons et al. discloses a first communications channel 36 operatively coupling communication termination equipment CTE 36 and CTE 40 as well as a second communications channel 50 operatively coupling CTE2 52 and CTE2 54. However, Lemons et al. is extremely sketchy as to specific details as to under what conditions an alarm notification is transmitted from the CTE2 52 to the CTE2 54 over the second communications channel 50. For ease of analysis of the teachings of Lemons et al. relative to this issue, all passages of Lemons et al. related to an understanding as to when the transmission of a notification over the second communications channel 50 are set forth below in their entirety.

The SCU 14 further provides an output over a connection 32 through communications termination equipment (CTE) 34. The connection 32 may be through an Ethernet type cabling system. The CTE 34 transmits and receives signals over a communications channel 36.

Lemons et al., col. 4, lines 25-30.

In addition to the common communications channel 36, a backup or redundant communications channel 50 may be employed. The channel 50 is connected between the facility 12 and the monitoring center 38 by using communications termination equipment (CTE2) 52 located within the facility 12 and communications termination equipment (CTE2) 54 located within the monitoring center 42. The CTE2 52 may be connected to the SCU 14 via a connection 56. Although not shown, the CTE2 54 may be connected to the video server 42, the customer database 44, and the central alarm computer 46 as the CTE 40. Thus, all functions of the integrated security system 10 can be maintained even when the primary communications link 36 fails, is not available, or is interrupted. Examples of the communications termination equipment 34, 40, 52 and 54 may be an ISDN router or a phone line dial-up.

Lemons et al., col. 4, line 66 – col. 5, line 14 (emphasis added by Applicants).

The controller 200 is also capable of transmitting and receiving information over the connection 32 through the CTE 34. The CTE 34 is in turn connected to the communications channel 36, although such connection is not illustrated in FIG. 9. The CTE2 52 is connected to the SCU controller 200 via the connection 56. In case the channel 36 is broken, interrupted or otherwise impaired, the controller 200 is connected to the monitoring center 38 via the CTE2 52 and the communications channel 50.

Lemons et al., col. 9, lines 51 – 58.

Rather than disclosing a security system in which a notification of an alarm condition is transmitted over a second network substantially simultaneously with the transmission of the alarm condition over the first network, it is submitted that, when taken in their entirety, the foregoing passages collectively teach that Lemons et al. clearly contemplates a system in which the communications channel 50 is used only in the event that the communications channel 36 has failed.

In response to Applicants' remarks regarding the deficiencies of Lemons et al. in this regard, the Examiner, in effect, acknowledged that Lemons et al. fails to anticipate the reference. More specifically, in response to Applicants' traversal of the rejection of Claims 1 and 3-19 as anticipated by Lemons et al., the Examiner stated that "[i]t is submitted that Lemons teaches two networks (36 and 50 of fig. 1) are connected between the security gateway and the security server in parallel, so the notifications of the alarm condition are transmitted from the security gateway (12 of fig. 1) to the security server (38 of fig. 1) through the two networks (36 and 50 of fig. 1), so this clearly **suggests** the security gateway (12 of fig. 1) transmits substantially simultaneous notifications of an alarm condition through both a first network (36 of fig. 1) and a second network (50 of fig. 1). Examiner's Action dated August 14, 2006, page 6, lines 7-13 (emphasis added by Applicants).

It is axiomatic that a reference cannot anticipate a claim if, at best, it merely suggests a particular limitation of that claim. For this reason, the Applicants respectfully submit that the

Examiner's rejection of Claims 1 and 3-19 as anticipated by Lemons et al. is defective and, as a result, the Examiner has failed to establish a *prima facie* case of unpatentability of these claims.

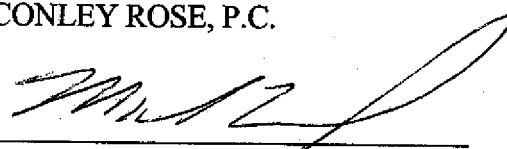
Claims 20-24, 26-31 and 47-56 all stand rejected as unpatentable over Lemons et al. in view of Kung et al. It is noted that limitations similar to those discussed hereinabove as being absent from Lemons et al. are also set forth in each of these claims. Accordingly, it is submitted that the Examiner has failed to establish a *prima facie* case of unpatentability of Claims 20-24, 26-31 and 47-56 as obvious over Lemons et al. in view of Kung et al.

In summary, it is clear that Lemons et al. fails to teach at least one limitation of Claims 1, 3-24, 26-31 and 47-56 and, as a result, the Examiner has failed to establish a *prima facie* case of unpatentability of those claims. Accordingly, the Applicants respectfully request that the current rejections of the claims as anticipated by Lemons et al. or obvious over Lemons et al. in view of Kung et al. be withdrawn and the application reconsidered on the merits..

Respectfully submitted,  
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Date: November 14, 2006

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